

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5737 of 2005

Between:

Juthuru Raghunatha Reddy, S/o. Lakshminaryana Reddy,
D.No. 4/515, Y.S.Nagar, Cuddapah, Now Residing at Door No. 6/450, Ganjikunta
Colony, Cuddapah District.

... PETITIONER

AND

- 1 The Revenue Divisional Officer, Cuddapah, Cuddapah District.
- 2 The Mandal Revenue Officer, Cuddapah, Cuddapah District.
- 3 Gummala Satya Kamalakar Reddy, S/o. Satyanarayana Reddy,
Eguvapalli Village, Pendlimarri Mandal, cuddapah district.
- 4 Gummala Vimallamma, W/o. Gummala Satya Kamalakar Reddy,
Eguvapalli Village, Pendlimarri Mandal, cuddapah district.
- 5 Gummala Tirupal Reddy, W/o. Gummala Satya Kamalakar Reddy,
Eguvapalli Village, Pendlimarri Mandal, cuddapah district.
- 6 Gummala Jayanthi, W/o. Gummala Thirupal Reddy,
Eguvapalli Village, Pendlimarri Mandal, cuddapah district.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part respondents in not disposing my appeal dated 23-12-2004 as arbitrary, abdication of statutory duty cast on them and the fundamental rights guaranteed to me under Article 14 of the Constitution of India apart from being contrary to the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 and A.P. Rights in Land and Pattadar Pass Books Rules, 1989 and consequently direct the respondents to dispose of the appeal filed by me dated 23-12-2004.

Counsel for the Petitioner: MR.V.R.REDDY KOVVURI

Counsel for the Respondents 1 & 2.: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed aggrieved by the alleged inaction on the part of the respondents 1 and 2 in disposing the appeal dated 23-12-2004 as arbitrary and illegal and consequently to direct the official respondents to dispose of the appeal.

The fifth respondent herein earlier filed W.P.No.556 of 2005 aggrieved by the notice issued by the Mandal Revenue Officer, Kadapa dated 08-01-2005 whereunder he was called upon to produce the records in support of his right over the land in Sy.Nos.603, 604, 605 & 611 of Ukkayapali Village. It appears that the said notice was issued at the instance of the writ petitioner herein who was the fourth respondent in the said writ petition. It was contended in the said writ petition that the Mandal Revenue Officer has no jurisdiction to initiate such proceedings. This Court disposed of the writ petition by order dated 24-01-2005 granting liberty to the petitioner therein i.e., fifth respondent herein to raise all his objections before the Mandal Revenue Officer and in the event of filing such objections, the Mandal Revenue Officer shall consider the same after affording him reasonable opportunity and shall pass a speaking order in accordance with law.

Now this writ petition is filed contending that even prior to the disposal of the said writ petition, he made a representation dated 23-12-2004 before the Revenue Divisional Officer, Kadapa seeking cancellation of the pattadar pass books granted in favour of the respondents 3 to 6 herein stating that since he is in possession of the land in question he is entitled for Pattadar Pass Books. He seeks a direction to the respondents 1 and 2 to dispose of the representation. It is also stated that in pursuance of the order in W.P.No.556 of 2005 dated 24-01-2005 the enquiry stands posted to 31-03-2005. It is not in dispute that the petitioner was also issued notice in the said enquiry.

Having regard to the rival claims made by the parties and particularly in view of the fact that the petitioner herein was also a party respondent to the earlier writ petition, I am of the view that it would be appropriate for the 2nd respondent – Mandal Revenue Officer to consider the objections raised by the petitioner as well before passing any order in terms of the order in W.P.No.556 of 2005. Since the enquiry has been initiated at the instance of the petitioner and the enquiry is still pending, it is open to both parties to put forth their claims before the Mandal Revenue Officer in which event he will consider the same and pass final orders. At this stage, it is not necessary to direct the 1st respondent to make any enquiry as sought by the petitioner.

Accordingly, the Writ Petition is disposed of with a direction to the second respondent – Mandal Revenue Officer to take into consideration the claims made by both parties and to pass appropriate orders in accordance with law in terms of the order in W.P.No.556 of 2005.

The writ petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 30-03-2005

Note:- CC by tomorrow.

(B/O)

LSK

ASSISTANT REGISTRAR

To

- 1 The Revenue Divisional Officer, Cuddapah, Cuddapah District.
- 2 The Mandal Revenue Officer, Cuddapah, Cuddapah District.
- 3 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT)
- 4 Two C.D. copies.